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*Attorneys for Plaintiff*  
BRIAN F. GORDON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

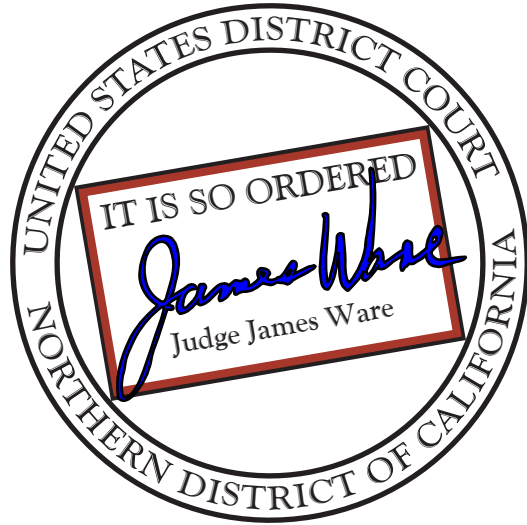
BRIAN F. GORDON, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

APPLE COMPUTER, INC., and, DOES 1  
THROUGH 50, inclusive,

Defendant.



Case No. C 06 5358 JW

**CLASS ACTION**

**STIPULATION TO  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE**

1        *WHEREAS*, a Case Management Conference is scheduled for December 18, 2006; and  
2        *WHEREAS*, the parties have participated in the requisite ADR Phone Conference; and  
3        *WHEREAS*, the parties have agreed to private mediation;

4        IT IS HEREBY STIPULATED AND AGREED pursuant to Northern District Local Rule  
5        6-2(a) that the Case Management Conference currently scheduled for December 18, 2006, shall  
6        be continued to February 5, 2007.

7        SO STIPULATED.

8        Dated: December 13, 2006

PENELOPE A. PREOVOLOS  
ANDREW D. MUHLBACH  
JOHANNA W. ROBERTS  
NATALIE NAUGLE  
MORRISON & FOERSTER LLP

12        By: /s/ Penelope A. Preovolos  
13        Penelope A. Preovolos

14        *Attorneys for Defendant*  
APPLE COMPUTER, INC.

15        Dated: December 13, 2006

HELEN ZELDES  
LAW OFFICES OF HELEN ZELDES

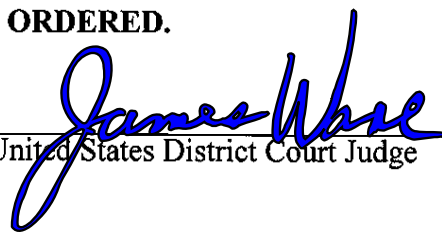
17        KEITH M. FLEISCHMAN  
18        RONALD J. ARANOFF  
19        SUSAN COLLYER  
BERNSTEIN LIEBHARD & LIFSHITZ, LLP

20        By: /s/ Helen Zeldes  
21        Helen Zeldes

22        *Attorneys for Plaintiff*  
23        BRIAN F. GORDON

24        **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25        Dated: December 14, 2006

26          
United States District Court Judge

1 I, Penelope A. Preovolos, am the ECF user whose ID and password are being used to file  
2 this Stipulation to Continuance of Case Management Conference. In compliance with General  
3 Order 45.X.B, I hereby attest that Helen I. Zeldes has concurred in this filing.  
4

5 Dated: December 13, 2006

PENELOPE A. PREOVOLOS  
ANDREW D. MUHLBACH  
JOHANNA W. ROBERTS  
NATALIE NAUGLE  
MORRISON & FOERSTER LLP

9 By: /s/ Penelope A. Preovolos  
10 Penelope A. Preovolos

11 *Attorneys for Defendant*  
12 APPLE COMPUTER, INC.  
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**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**STIPULATION TO CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Ronald J. Arandoff, Esq.  
Keith M. Fleischman, Esq.  
Bernstein Liebhard & Lipshitz, LLP  
10 East 40<sup>th</sup> Street, 2<sup>nd</sup> Floor  
New York NY 10016

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 13<sup>th</sup> day of December, 2006.

\_\_\_\_\_  
Carol J. Peplinski  
(typed)

\_\_\_\_\_  
/s/ Carol J. Peplinski  
(signature)

**ATTESTATION OF E-FILED SIGNATURE**

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Proof of Service. In compliance with General Order 45, X.B., I hereby attest that Carol J. Peplinski has read and approved this Proof of Service and consents to its filing in this action.

Dated: December 13, 2006.

MORRISON & FOERSTER LLP

\_\_\_\_\_  
/s/ Penelope A. Preovolos  
/s/ Penelope A. Preovolos